IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

BRANCH BANKING AND	§	
TRUST COMPANY,	§	
	§	
PLAINTIFF,	§	
	§	CIVIL ACTION No. 3:11-cv-01367-N
V.	§	
	§	
MACFARLAN CAPITAL	§	
PARTNERS GP, LLC, D. DEAN	§	
MACFARLAN, JOHN L. JENKINS,	§	
	§	
DEFENDANTS.	§	

RULE 41 STIPULATION OF DISMISSAL

Plaintiff Branch Banking and Trust Company, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), files this Stipulation of Dismissal Without Prejudice, and respectfully states as follows:

- On June 22, 2011, Plaintiff sued Macfarlan Capital Partners GP, LLC ("MCP"),
 D. Dean Macfarlan ("Macfarlan") and John L. Jenkins (collectively "Defendants").
- 2. Plaintiff served Defendants with process, but they have not served an answer or motion for summary judgment.
 - 3. A receiver has not been appointed in this case.
- 4. This case is not governed by any federal statute that requires a court order for dismissal of the case.
- 5. Plaintiff has not previously dismissed any federal or state-court suit based on or including the same claims as those presented in this case.
 - 6. This dismissal is without prejudice.

Respectfully submitted,

KANE RUSSELL COLEMAN & LOGAN PC

By: /s/ Kenneth C. Johnston
Kenneth C. Johnston
State Bar No. 00792608
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ATTORNEYS FOR PLAINTIFF BRANCH BANKING AND TRUST COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 24, 2011, I filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that I have sent the foregoing document this day by email to Defendants' counsel:

kkelley@gardere.com Kevin L. Kelley GARDERE WYNNE SEWELL LLP 1601 Elm Street, Suite 3000 Dallas, Texas 75201

/s/ Kenneth C. Johnston

Kenneth C. Johnston